G. R. S. 58]

Previous references.

1884-85

1884

~~191~~

~~Judl~~ Police

File No. 3 of 1884

Serial Nos. 1-8

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8

Part B for 1884.

SUBJECT.

Transfer of the management of the Mysore State Railway to S. M. Company

Cancelled

G125—10,000—25-5-15

Indexed

(General Serial No. 31.)

(7)

4864
21 OCT
2/8

1884

From The Dy Commissioner
Kolar District

To The Secretary to the Govt
of Mysore
General Department

Dated 23rd
Despatched
Received 3 October

Enclosures No.

General No. 892
No. 353

Police Judicial
Put up in Vol. 3 of 1884
No. 27-10-84

Copy obtained from the Head Office record
23/10

In whether Draft Enquiring in regard to what is the nature of the irregularity complained of.

30-10-84

Noted 30/10/84

Please also obtain a copy of the letter of India Contempt Notice.

30/10 ae 7

Forwarding copy of letter No. 248/345 dated 8th instant from the District Superintendent of Police, Civil and Military Station of Bangalore together with its enclosures, regarding the question of jurisdiction over criminal offences committed at the Madras Railway line, has the honor to state that no orders on the point has been received

From the Dewan,

Received in this District and requesting to be informed of the new rules necessary, orders to the Police and the Sub Magistrates near Madras Railway Line as per Notification of the Government of India for future guidance

Yours &c
Dy. Commissioner

1884 (Enc- A)

From the District Superintendent
of Police
Dalhousie

To The Hon'ble the Commissioner
Lahore.

Dated 8th October '84.

Encl
Ephemera No. 218
145

Sir, I have the honor to forward my statement of Constable No. 118 Shiv Kajera of the Station Police, on duty at the Motar Road Railway Station, to invite attention to the Guildans action which is both irregular and contrary to the Notification Foreign Department No. 212 dated 5th February 1883, a copy of which is attached for ready reference.

The Guildans plea is it is understood, ignorance of the Notification, and avers a army order to the point from

Exterior

The Right Rev. C. W. Hewetson
Dist. Supt. of Africa
Port Shepstone Natal

Copy

My dear Sir

Dyke Commissioner

Please turn over
The Postage is required
on the other side

[illegible]

Foreign Department

Notification - Judicial

Fort William, the 5th February 1885.

No 292 I. - Whereas the Governor-General in Council has and exercises full jurisdiction within those portions of the land forming the Bangalore Branch of the Madras Railway (including the land occupied by stations, out-buildings, and for other purposes connected with the Railway), which lie within the territories of His Highness the Maharaja of Mysore in exercise of this jurisdiction, and of the powers conferred by Section 86 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification: -

1. All Laws for the time being in force in the Civil and Military Stations of Bangalore shall be deemed to be in force in the aforesaid land.

2. All Courts having for the time being jurisdiction within the Civil & Military Stations of Bangalore shall exercise the same jurisdiction within the aforesaid land.

3. The administration of the Police within the aforesaid land shall be vested in the Superintendent of Police for the time being for the Civil & Military Stations of Bangalore, who shall exercise within the aforesaid land the same Police powers as he may exercise for the time being within the Civil & Military Stations of Bangalore in subordination to the same authorities as he may in exercising these powers be for the time being

being subordinate to within the said
Civil & Military Station.

"Copy
Geo. Hewetson
Supd of Police
& Rest Bungalow

Enc. B

Notification

With reference to the Notification of the Govt. of India, Foreign Departm No 292 I, dated the 5th February 1883, His Highn the Maharaja hereby renounces all jurisdicti within those portions of the land forming the Bangalore branch of the Madras Railway (inclu the land occupied as stations, out-buildings a for other purposes connec with the Railway) which lie within the Territories of Mysore.

By order.

Sub.

This was the draft Notification. I do not know why it was not issued. H

Jurisdiction over Madras Railway lands

Correspondence of 1878 is said to have been transferred to the Residents office in 1881

This draft has not been issued - I cannot recollect why it was ordered to be kept in "Amanat".

14/12/88

No. 292 J (Enc. C

Foreign Department.
Judicial
Fort William, the 5th February 18[illegible]

Notification

Whereas the Governor General in Council has and exercises full jurisdiction within those portions of the land forming the Bangalore Branch of the Madras Railway (including the land occupied as stations, out-buildings, and for other purposes connected with the Railway) which lie within the territories of His Highness the Maharaja of Mysore. The exercise of this jurisdiction, and of the powers conferred by Sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Notification.

All laws for the time being in force in the Civil and Military Station of Bangalore shall be deemed to be in force in the aforesaid land.

2. All Courts having for the time being jurisdiction within the Civil and Military Station of Bangalore shall exercise the same jurisdiction

within the aforesaid Land

The Administration of the Police within the aforesaid Land, shall be vested in the Superintendent of Police for the time being for the Civil and Military Station of Bangalore, who shall exercise within the aforesaid Land the same Police Powers as he may exercise for the time being within the Civil and Military Station of Bangalore, in subordination to the same authorities as he may, when exercising these Powers, be for the time being subordinate to within the said Civil and Military Station.

Signed C. Grant
Secretary to the Govt of India.

Heidenheim bei Ulm 6 Sept 84

Lieber Herr Dr. [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

Es hat mich sehr gefreut
[illegible] Brief zu erhalten.

(General Serial No. 31.)

(8)

188

Police

From

30/1884

2

To The Registrar.
Kolar Circle

Dated 30 October
Despatched —
Received 1 Nov 1884

Enclosures No.

General No. 4486
No. 149

Registrar's 892/858 of 28th October 84, forwarding copy of letter No 241P/145-7 dated 27th instant from the Dist Supt of Police, Civil & City Station of Bangalore, bringing to notice an irregularity on the part of the Amildar of Kolar, & requesting instructions.

With reference to the above has the honor to enquire the nature of the irregularity complained of.

B.O

Chn
30/10/84

(9)

(General Serial No. 31.)

EFFECTIVE DATE
5-043
5-NOV.84
279
DEWAN OF MYSORE

1884

Police

3 of 1884

3

From The Deputy Commissioner Kolar District

To The Secretary to Government Revenue Department

Dated 4th November

Despatched

Received

Enclosures No. 2

Annexure 2 papers from Resident 13/11/84

General No. 987

No. 379

Stating the circumstances of the so called irregularity on the part of the Coorg Peon Annaldar complained of by the Police Inspector of the C. & Station Bangalore having taken cognizance of a Counterfeit Coin case.

Bring up the other papers connected herewith
5-11-84

Sir,

I do not think it necessary to call for information on 4-11-84

References in the Comptroller's Office Secy
Submitted
5-11-84

Dy. Commrs. Office
Kolar District
Kolar 3d November 1884.

No. 2372
2/3/70

COPY TO FILE

To. The Secretary to the Dewan
of Mysore
General Department.

Sir,

With reference to your docket No. 4486/149 of the 30th ultimo, I have the honor to state that the Amildar of Bowringpet arrested on 24 September last one Annasawmy at the Kolar Road Railway station, while the latter was delivering a counterfeit rupee to the Assistant Station Master for the price of a ticket to Vellore, and placed him before the Assistant Commissioner and 1st class Magistrate who tried the accused for the offence under Section 240 Indian Penal code, and sentenced him to undergo rigorous imprisonment for 6 months and to pay a fine of Rs. 5, in default 1 months rigorous imprisonment in addition, as shewn in the copy of Judgment in No. 79/84 herein enclosed. —

The District Police Superintendent

of

matter

of Civil and Military Station Bangalore, calls the proceedings of the Amildar, alluded to in the matter as irregular, as his (Amildar's) action is opposed to the Notification, Dt. Department Govern-ment of India, No. 292-1 dated 5th February 1883, where the administration of the Police within the Bangalore Branch of the Madras Railway, is vested in the Superintendent of Police, Civil and Military station, Bangalore, whose letter No. 248/145 dated 8th ultimo, gives cover to the copy of the Notification.

3. As observed in my letter No. 892/358 dated 22-10-84, no orders from the Dewan have been received on the subject, nor has the Chief court prohibited the Amildar Magistrates from taking cogni-zance of the offences committed within the limits of the Madras Railway lines.

4. For these reasons, I solicit your instructions in the matter

× herewith Encl

matter for further guidance

I have the honor to be
Sir,
Your most obed't Serv't,

Deputy Commissioner

In the Court of the General Assistant Commr
and Ist Class Magistrate Kolar District

Dated 10th October of 1884

Present Mr. G. Raghuvatha Rau

Criminal Case No: 79 of 1884

Complainant } vs Accused
A. Kar Annasawmy

Judgment

The Compliant was laid at the instance of the Police who charged the accused with having on the 24th September 84. at Bowring Pet Railway station delivered a counterfeit Rupee to the Assistant station ~~Assistant station~~ Master as the price of his ticket to Vellore. The Police further stated that on a search being made another counterfeit Rupee and a half counterfeit Rupee were found with the accused. They charged him under Section 241 of the Indian Penal Code.

The following witnesses were examined for Prosecution.

1st Tirumalachar Amildar of Bowring Pet Talug.

2d Sreenivasiengar 4th Station Master.

The charge was framed as follows—

That You on or about the 24th Septemb 1884 at Bowring Pet having counterfeit

Coins which were counterfeit of the
Queen's Coins, which at the time when
you became possessed of them you
know to be counterfeit of the Queen's
coins, fraudulently or with intent
that fraud might be committed
delivered the same to the Assistant
Station-Master at Bowring Pet.
And thereby committed an offence
punishable under Section 240 of the Indian
Penal Code.

The Prisoner pleaded not guilty

The statement of the accused was
as follows:

" I did not deliver the Coin with
" intent to practise fraud. I went
" to Bullari in search of Soonder Moodali
" I could not find him there. I then
" came to Chick Ballapoor where I found
" my country man named Thangavelu
" Moodali. With him I served as a Cart
" driver under Koorba Mooniappah. My
" wages were 2 Rs. a month. I served him
" for 6 months. Mooniappa at first paid
" me Rs. 4. about 20 days ago, he paid me
" Rs. 2 - about 15 days ago at Goothy he
" gave me one full Rupee, one half Rupee
" and 6 quarter Rupees. I spent five quarter
" Rupees and 2 annas. The remaining Coins
" were with me. Out of these I gave a Rupee

" to the Station Master. On being questioned
" if I had more coins, I produced
" another Rupee and a half Rupee ——
" Koorbe Moonisappa and Thayam Maistry
" may be examined as my witnesses."

6. The witnesses cited by the accused could not be served with summonses which were duly issued to them. The summonses were returned with a remarks that they had gone somewhere in Hr. Mageshys territories. No witnesses was therefore examined for defence

7. It is clear from the evidence of two respectable witnesses for Prosecution that on the Morning of the 24th. Ultimo when the 2d. witness was issuing tickets, the accused went up to him and handed over to him one 8 anna piece, one four anna piece and 3 annas in copper asked a ticket to Vellore. The witness found it short by 10 Pies. He asked him for it. He said that he had no change that he would give him a Rupee. The witness therefore returned the aforesaid coins to the accused whereupon the accused gave him a Rupee. The witness sounded it on his table and it produced

no sound. The Amilddar who is the 1st witness was then standing close by him. The 2d witness handed over the Rupee to him and asked him to examine it. The 1st witness found it to be a false coin. On being questioned about it the accused observed that he had given a good Rupee and that the witness was trying to deceive him Upon this the 1st witness with the assistance of a Police Peon searched the accused's person. When another Counterfeit Rupee and a half Rupee bearing the impression of the Queen's Coin were found with him. He was arrested on the spot red handed.

The 3 false coins ie 2 full Rupees and one half Rupee were produced before the Court and identified as the same that the accused was in possession of. Of these the accused uttered one and the remaining two were found with him on a search being made.

The Prisoner's guilty Knowledge is proved by the fact of his having been in possession of 2 more base Coins besides the one he has uttered. The fact that he turned round and + uttered

accused the witnesses that they were trying to deceive him still more clearly establishes his guilt— The evidence is conclusive.

The Court finds that Annasawmy Moodali is guilty of having altered Queen's Counterfeit Coin in order to practise fraud and he has thereby committed an offence punishable under sec: 240 of the Indian Penal Code and the Court directs that the said Annasawmy Moodali do suffer rigorous Imprisonment for (6) six months and do also pay a fine of Rs. (5) five and in default of payment of the fine he do suffer additional Imprisonment of the same description for a month.

The false Coins to be destroyed.

(Signed) G. Raghunatha Row
1st Class Magistrate

"True Copy"

Magistrate

Dewan's Office

Camp Bagpalli 6th March/84

No 30

Section Ag. Police
File No 3 of 1884
Serial No 24

To

The Resident
in Mysore

Sir,

With reference to the Govt of India Foreign Deptt. Notification No. 292 J. dated 5th Febry 1884. I have the honor to request that you will be so good as to forward to me copies of any correspondence or instrument shewing the assignment to the Brit Govt. by the Mysore State of the lands occupied by the Bangalore branch of the ~~Mysore~~ Madras Railway & lying within the Territories of Mysore - No Notification ~~Was Received~~ renouncing jurisdiction in the aforesaid lands has yet been issued by the Durbar for the guidance of its Officers, and as the issue of such a Notification is desirable, I request that it may early be issued.

I have

No. 39.

To The Resident

Dated 6th } Nov 1882
Recd 8th }

Requests to be favored with copies of any correspondence or instrument showing the assignment to the British Govt by the Mysore Durbar of the lands occupied by the Bangalore branch of the Madras Railway & lying within the territories of Mysore.

Recd No. 1813 / 296

~~Police~~ Secret

No. 1013/296

(12)

Office of the Resident in Mysore.
Bangalore 9th December 1884

To

The Dewan of Mysore.

No. 6

Sir,

I am directed to acknowledge the receipt of your letter No. 30 dated 6th November last requesting to be furnished with copies of any correspondence or instrument shewing the assignment to the British Government by the Mysore State of the lands occupied by the Bangalore branch of the Madras Railway lying within the territories of Mysore in view to the Durbar issuing a Notification for the guidance of its officers renouncing jurisdiction in the aforesaid lands.

2. In reply, I am to state that the lands in question were made over by the British Administration of Mysore to the Madras Railway Company in 1859. and that in 1878, the Government of India in their Foreign Secretary's letter No. 828 dated 24th April directed the Chief Commissioner

to

to declare and record that the said lands were made over to the British Government on the conditions contained in Foreign Department, Resolution No. 2600/2601 P. dated 22nd November 1877. The Chief Commissioner passed orders accordingly and sent copies for information to the Consulting Engineer and Secretary, Public Works Department, and to the Guardian to His Highness the Maharaja. It was considered that this procedure was sufficient, as after rendition the Durbar would be bound by acts of the British Administration of Mysore. This ruling was again confirmed by the Government of India in September 1881 in answer to a reference from this office about the same lands.

3. The Resident has now directed me to send for your information, in case you have not got it already, Copy of Foreign Department Resolution of 22nd November 1877 above referred to, and I am to state that that

part

part of it which referred to other lands subsequently required is, of course superseded by the article on the subject in the Instrument of Transfer referring to lands thereafter required for Railways by the British Government. By desire of Mr Lyall, I also send you a copy of the Notification dated 5th February 1883 issued by the Government of India defining the jurisdiction in the said lands, and he agrees that a Notification should be issued by the Durbar for the guidance of its officers renouncing jurisdiction over those lands. —

I have the honor to be
Sir
Your most obedient Servant

H. Wylie

Assistant to the Resident

C.K.

(Copy.)

Enc A

No. 2600. P.

Extract from the Proceedings of the Government of India in the Foreign Department, (Political) dated Fort William, 22nd November 1877.

Enc (1)

Read Letter to the Chief Commissioner of Mysore, No. 1229. P. dated 28th May 1877. on the subject of the arrangements in virtue of which the British Government occupies land in Mysore. —

From the Secretary to the Chief Commissioner of Mysore, No. 4123/G.47 of 21st July 1877.

From the Public Works Department No. 3197. P. dated 5th September 1877.

Inasmuch as the land required for the Bangalore Branch of the Madras Railway within the state of Mysore, has been made over to the Railway Company by the Mysore Administration, it is now desirable in view to the contemplated restoration of Mysore to Native Rule, to arrange the conditions on which these lands are to be held, and on which other lands that may be

required

required by the British Government for Railway purposes in Mysore are to be given up by the Mysore State.

2. The Governor-General in Council considers that these conditions should be the following, which are practically the same as those on which land has been made over by other Native States for Railway purposes. —

I. That the land required for the construction of the Railway line for stations and for bonâ fide Railway purposes, shall be given up by the Mysore State free of all cost, all necessary compensation to owners of lands, houses and gardens &c^a in the land given up shall be defrayed and borne by the Mysore State as is done by the British Government in regard to the Railway within British territories. —

II That full jurisdiction in such lands, short of sovereignty rights, shall be ceded absolutely to the British Government. —

III. That no transit or other duties

one

on "through" goods shall be levied and that if any duties be levied on goods breaking bulk and being conveyed to and from the Railway, such duties shall be taken at the ordinary tariff in force in the Mysore State, or according to a fixed tariff to be settled hereafter.—

✓

No. 2661. P.

Order. Ordered that the foregoing Resolution be forwarded to the Public Works Department for information, with reference to the office Memorandum thence No. 3197. R. dated 5th September 1877.

(True Extract)

(signed) T. b. Plowden.
Offg. Under Secretary to the
Government of India.

"Copy."

P. H. Jewell
Registrar.

J. B.

No 8280 Ene 13

From The Offg Under Secretary to
Government of India

To The Chief Comm. of Mysore

Dated Simla the 24th April 1878.

Foreign Dept.
Political

Sir.

With reference to the correspondence ending with your letter No 238 P dd 2d March 1878 to this Department, on the subject of lands taken up for Railway purposes in Mysore, I am directed to request that Foreign Dep Resolution No 2600/2601 P dd 22d Novemb 1877 which was forwarded to you with the letter from this Office note in the margin may be recorded in your Office as containing the conditions upon which lands alrea made over by the Mysore State fo Railway purposes to the British Government are held, and on which other lands that may be hereafte given

No 2602 dd 22d Nov 1877.

given for Railway will be made over by the Mysore State.

I have the honor &c

Sd/ T. C. Plowden

Offg Under Secretary to

the Govt. of India.

GA

1878. O 485/8.

From The Offg Under Secy to the Govt of India For: Departt

Of 24th April
Recd 6th May

No. 828 P.

Requests that For Reso: No 2600/2601 P of 22 Nov 77 may be recorded in this office as conty the conditions upon which lands already made over by the Bycor State for Railway purposes to the B. Govt are held.

Original in the Secret Office

(Copy.)

(Ere - C)

No 292 I.

Encl 3

Foreign Department

Judicial.

Fort William, the 5th February 1883.

Notification.

Whereas the Governor General in Council has, and exercises, full jurisdiction within those portions of the land forming the Bangalore Branch of the Madras Railway (including the land occupied as stations, out-buildings and for other purposes connected with the Railway) which lie within the territories of His Highness the Maharaja of Mysore. In exercise of this jurisdiction and of the powers conferred by Sections 4 and 5 of Act XXI of 1879. (the Foreign Jurisdiction and Extradition Act. 1879) and of all other powers enabling him in this behalf, the

Governor-

Governor-General in Council is pleased to issue the following Notification. —

1. All laws for the time being in force in the Civil and Military Station of Bangalore, shall be deemed to be in force in the aforesaid land.

2. All Courts having for the time being jurisdiction within the Civil and Military Station of Bangalore, shall exercise the same jurisdiction within the aforesaid land.

3. The administration of the Police within the aforesaid land, shall be vested in the Superintendent of Police for the time being for the Civil and Military Station of Bangalore, who shall exercise within the aforesaid land the same Police powers as he may exercise for the time being within the Civil and Military station of Bangalore, in subordination to the same authorities

as he may, when exercising these powers, be
for the time being subordinate to within
the said Civil and Military Station. —

/Signed/ C. B. Grant.
Secretary to the Government
of India

"True Copy.

/Signed/ A. Bourillion.
Superintendent, Foreign Departt

Copy

P. H. Jones
Registrar.

'884

5-894

11 DE

DEW

From

The Assistant to the
Resident.

Dated 9th December.

No. 1813/296. Encls 2.

Forwarding cop
of Govt of India Resolu
in the Foreign Dept regar
the lands occupied by t
Bangalore Branch of the
Madras Railway Comp

Dewan for
submits Resp
11-12 ult
12/12

The Dewan's Notification-

GOVERNMENT OF MYSORE

117 dated 1st July 1886.

~~Dated 1st July 1886~~

Police
30 of 1886
Serial No 6.

The management of the Mysore State Railway has this day been transferred to the Southern Mahratta Company (limited)

2. The Establishment hitherto Employed by the State in the working of the Railway has also been transferred to the Company, with the Exception of the few officers who have been given notice that their services would not be required in the future- The officers and Servants of all grades who have been transferred to the Com-pany are hereby required to place themselves under the orders of the agent- Such of them as are on the pensionable Service of the State will, notwithstanding such transfer, continue to be regarded as belonging to the State Service, but they must keep alive their claims for pension from the State by paying the contribu-

prescribed in that behalf by the Civil Pension code.

3. It must be understood that the transfer makes no change in the Civil Criminal and Police Jurisdiction heretofore Exercised over the line of the State Railway by the proper officers of the Mysore State in accordance with the laws for the time being in force—

4. The Medical Staff and arrange—ments will continue to be as hitherto under the control of the Senior Surgeon of the Mysore Govt, pending further orders.

5. All contracts with the Mysore Govt that have not lapsed by failure on the part of the contractors will continue in force until the Expiry of the date Specified for Completion, or until non—fulfilment of any of the terms of the agreement.

6. Arraingements at present obtaining

for the supply of fuel by the Forest
or Revenue officers of the State will
hold good, pending arrangements o
the part of the Company for the
future supply.

Ser [redacted] GOVERNMENT OF MYSORE

File No 3 of 1886

(14)

D.O. from the Resident to the Dewan
Dated Bangalore July 2nd 1886.

It seems true that your proposed Notification will be useful and all the paras of it seem unobjectionably worded except para 3. I have suggested on the margin a revised wording for that para which I shall ask you to accept as the Government of India have put this matter of the transfer by their instructions somewhat specially into my hands. Until we get the Contract and the final instructions of the Govt of India, it would be, I think, a mistake to say as much as is said in your para 3. Please let me have the draft Notification I now return with your reply as I have kept no copy

Jud Police
No 3 of 1884
No 8

(15)

D. O. from the Dewan to the Resident
dated Bangalore 2nd July 1886.

Many thanks for your D. O, and I shall gladly adopt the alteration proposed in para 3 of the Draft Notification which I return herewith after retaining a copy for the Gazette tomorrow.

I hope the Jurisdiction will always continue to be vested in the Officers of the Mysore State. The Jurisdiction over the Madras Railway has been made over to the British Government, but no part of the Madras Railway is built on the Guarantee of the Mysore Government. The case of the "Mysore State Railway" is quite different. The Transaction with the Southern Mahratta Company was from the Commencement understood

(25)

GOVERNMENT OF MYSORE

stood the award by ratification only, and Mysore will pay guaranteed interest to the Company. Under such circumstances, they that Mysore will be allowed to continue to exercise full jurisdiction over the Railway and not required to transfer such jurisdiction to the British Government.